

November 6, 2002

RICHARD L. POPE, JR.  
2001 NE 177<sup>TH</sup> ST  
SHORELINE WA 98155

Subject: Citizen Action Letter, PDC Case No. 03-026

Dear Mr. Pope:

The Public Disclosure Commission staff has completed its investigation of your Citizen Action Letter, filed with the Washington State Attorney General and received by the PDC on August 7, 2002. The letter alleged that twelve out-of-state or federal political committees contributed to the Washington State Democratic Central Committee (WSDCC) and failed to file a C-5 report within 10 days of the WSDCC receiving the funds, a violation of RCW 42.17.090(1)(l). The twelve committees are:

- Democratic Senatorial Campaign Committee (DSCC)
- Democratic Congressional Campaign Committee (DCCC)
- International Brotherhood of Electrical Workers Committee on Political Education (IBEW COPE)
- Democrat Republican Independent Voter Education, the committee for the International Brotherhood of Teamsters (DRIVE)
- Native American and Peace Officers Political Action Committee (NAPO PAC)
- Democratic National Committee (DNC)
- Democratic Legislative Campaign Committee (DLCC)
- Communications Workers of America Committee on Political Education (CWA COPE)
- Ironworkers Political Action League (IPAL)
- International Association of Machinists Non-Partisan Political Action Committee (IAM PAC)
- National Committee for Effective Congress (NCEC)
- Democratic Party of Oregon (DPO)

The letter further alleged that the Washington State Democratic Central Committee (WSDCC) failed to forfeit the contributions received from the twelve committees to the state of Washington as required by WAC 390-16-055.

The Public Disclosure Commission, at a special meeting on October 29, 2002, granted a retroactive reporting modification with respect to filing PDC Form C-5 to the DSCC, the DCCC, IBEW COPE, DRIVE, the NAPO PAC, and the DNC. The Commission found the committees to be in substantial compliance with RCW 42.17.090(1)(l) and therefore the committees were retroactively relieved from the requirement to file C-5 reports by the statutory deadline. Likewise, the WSDCC is not required to forfeit the contributions it received from the six committees receiving a retroactive reporting modification.

After granting the retroactive reporting modifications, the Public Disclosure Commission voted to dismiss your complaint against those entities. In addition, the Public Disclosure Commission voted to dismiss your complaint against DLCC, CWA COPE, Ironworkers PAC, IAM PAC, and the NCEC for the reasons specified below.

#### Democratic Legislative Campaign Committee

- During 2000, the WSDCC received six contributions from the DLCC.
- The PDC received timely C-5 report updates from the DLCC for four of the contributions, but did not timely receive C-5 reports for the first or last contributions.
- The four updates submitted timely by the DLCC refer to an original C-5 report submitted on August 20, 2000. There is no reason to doubt that the DLCC actually mailed the report, but it was not received by the PDC. A copy of the original C-5 was received by PDC on August 23, 2002.
- The DLCC also believed that it mailed an update for the last contribution it gave to the WSDCC. A letter update was received by the PDC on October 3, 2002.
- Based on the DLCC's timely filing of 4 updates to an initial C-5 report, referencing the fact that they believed they had timely filed the original C-5, and their belief that they had timely reported the last contribution, the Commission found the DLCC to be in substantial compliance and found no violation of RCW 42.17.090(1)(l).

#### Communication Workers of America COPE

- According to Margaret McCormick, Counsel for CWA, the contribution was made from CWA's non-voluntary compulsory dues account.
- Since the contribution was from CWA's general treasury and not from a political committee, the Commission found no violation of RCW 42.17.090(1)(l).

#### Ironworkers PAL

- The Ironworkers PAL made a contribution to the WSDCC federal account.
- In error, the WSDCC deposited the funds into their state exempt account.
- On October 14, 2002, the WSDCC returned the contribution to the Ironworkers PAL.
- Given the Ironworkers PAL's clear intent and since the contribution was returned, the Commission found no violation of RCW 42.17.090(1)(l).

International Association of Machinists Non-Partisan PAC

- On September 19, 2000, the IAM PAC made two contributions to Washington State political committees, one of them being the WSDCC.
- The WSDCC reported its contribution on time.
- IAM PAC filed a C-5 (including the list of contributors) within 10 days of making the contributions.
- The C-5 failed to include the contribution to the WSDCC.
- The contribution was disclosed on IAM PAC's Federal Election Commission report filed September 20, 2000, the day after the contribution was made to the WSDCC.
- The Commission found the IAM PAC to be in substantial compliance and found no violation of RCW 42.17.090(1)(l).

National Committee for Effective Congress

- The NCEC made a contribution to the WSDCC federal account.
- In error, the WSDCC deposited the funds into their state exempt account.
- On October 14, 2002, the WSDCC returned the contribution to the NCEC.
- Given the NCEC's clear intent and since the contribution was returned, the Commission found no violation of RCW 42.17.090(1)(l).

In addition, with regard to the Democratic Party of Oregon, the DPO stipulated to a single violation of RCW 42.17.090(1)(l). The Commission accepted the stipulation and assessed a penalty of \$1,000 with \$500 suspended on the condition that the DPO comply with all of the provisions of chapter 42.17 RCW for a period of 4 years.

Washington State Democratic Central Committee

- The Commission, finding no violation of RCW 42.17.090(1)(l) by the DSCC, DCCC, IBEW COPE, DRIVE, NAPO PAC, DNC, DLCC, CWA COPE, Ironworkers PAL, IAM PAC and NCEC, dismissed your complaint alleging that the WSDCC failed to forfeit contributions it received from these eleven committees.
- The Commission deferred action on the issue of whether the WSDCC must forfeit the contribution it received from the DPO. You will be notified when the Commission rules on this matter.

If you have questions, please contact Phil Stutzman, Director of Compliance, at (360) 664-8853 or toll free at 1-877-601-2828.

Sincerely,

Vicki Rippie  
Executive Director

c: Democratic Senatorial Campaign Committee  
Democratic Congressional Campaign Committee  
International Brotherhood of Electrical Workers COPE  
DRIVE  
Native American and Peace Officers PAC  
Democratic National Committee  
Democratic Legislative Campaign Committee  
Communication Workers of America COPE  
Ironworkers PAC  
International Association of Machinists Non-Partisan PAC  
National Committee for Effective Congress  
Washington State Democratic Central Committee  
Democratic Party of Oregon  
Kevin Hamilton  
Washington Attorney General Christine Gregoire  
King County Prosecuting Attorney Norm Maleng  
Thurston County Prosecuting Attorney Ed Holm